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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF SECRETARY

May 16, 1996

BY MESSENGER

The Hon. Reed E. Hundt, Chairman  
The Hon. James H. Quello, Susan Ness  
and Rachelle B. Chong, Commissioners  
Federal Communications Commission  
1919 M Street, N.W., Eighth Floor  
Washington, D.C. 20054

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Re: ***Implementation of the Local Competition Provisions in the  
Telecommunications Act of 1996, CC Docket 96-98***

Dear Chairman Hundt and Commissioners:

In this docket, the Commission will adopt rules that will foster spirited competition in telecommunications markets across the United States. We, along with Sprint Spectrum, are filing comments that address these issues comprehensively. We are writing separately to underline an issue that also is of great importance to competition in the wireless telecommunications market that should be addressed by the Commission in this docket. That issue is commercial mobile radio service ("CMRS") roaming.

In its *Notice of Proposed Rule Making* in this docket, the Commission tentatively concludes that CMRS providers are not required to provide interconnection under Section 251 of the Telecommunications Act of 1996. Section 251(b) outlines the interconnection obligations of "local exchange carriers." Section 3(26) of the Act explicitly excludes CMRS providers from the definition of "local exchange carrier." Consequently, CMRS providers are not subject to the interconnection obligations imposed by Section 251(b).

We agree with the Commission's tentative conclusion. But this does not mean that the Commission is powerless to establish policies that will foster a competitive and creative nationwide service. The Commission may and, we believe, should exercise its authority pursuant to Sections 332 and 201 of the Act to require CMRS providers to offer roaming to other CMRS providers to expedite widespread deployment of CMRS services. Such a result would be consistent with the overall goals and intent of the 1996 Act: when one carrier exercises control over a network element that another co-carrier must have to offer the public a truly competitive nationwide service, that carrier should be required to provide the customers of co-carrier providers with access to that service. This is precisely the case with roaming services — a truly competitive nationwide market will

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The Honorable Reed E. Hundt  
and Commissioners  
May 16, 1996  
Page 2

emerge if CMRS providers are required to provide roaming to customers of other CMRS providers. We urge the Commission to adopt such a ruling.

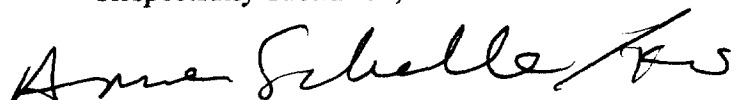
Such a ruling would carry an immediate and profound benefit for consumers across the United States. For example, dual-mode PCS/cellular handsets will be available relatively soon. Cellular carriers, however, will have no incentive to agree to roaming contracts with non-affiliated PCS providers — to the contrary, they will have every incentive to deny access to further a marketing advantage available only to cellular. If roaming must be provided, however, PCS providers will be able to provide more competitive offerings to the American public and compete with incumbent cellular providers on a more even footing. If cellular carriers were required to provide roaming services to CMRS providers, the Commission's policies in favor of seamless nationwide wireless coverage would be furthered and thousands of Americans would benefit greatly.

This issue already has been the subject of public comment before the Commission. In its *Notice of Inquiry* in Common Carrier Docket 94-54, the Commission sought comment on whether it should require interconnection among CMRS providers in order to advance competition and encourage efficiencies and lower rates in the mobile services marketplace. In that docket, we urged, consistent with Sections 201(a) and 201(b) of the Communications Act, that the Commission require CMRS providers to provide interconnection service upon reasonable request and at just and reasonable rates. This suggestion fits precisely with the overall thrust of the Telecommunications Act of 1996, which the Commission is implementing in this docket.

The obligation that should be adopted by the Commission is simply that CMRS providers should be required to provide roaming to requesting CMRS carriers on non-discriminatory basis and at just and reasonable rates. If any technical issues arise by virtue of the requested interconnection, such issues must be resolved at the cost of the requesting carrier. Accordingly, this proposal will not imply any cost or complexity issues for cellular carriers of any size.

We urge the Commission to require CMRS providers to provide roaming services to other CMRS providers.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "Anne Schelle". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Anne P. Schelle  
Vice President, External Affairs